

SENATE BILL 585

By Burks

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 3 and Title 40, Chapter 39, Part 3, relative to requiring the satellite monitoring of certain sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-39-301, is amended by adding the following new items (2) and (3) and by renumbering subsequent items accordingly:

(2) "Serious sexual offender" means any person who is convicted in this state, on or after January 1, 2008, of any serious sexual offense. "Serious sexual offender" includes any person who is convicted in any other jurisdiction of any offense that would constitute a serious sexual offense as defined in this part. "Serious sexual offender" also includes any person who has been released on probation or parole following a conviction for any serious sexual offense, as defined in this part, to the extent that the person continues to be subject to active supervision by the board of probation and parole;

(3) "Serious sexual offense" means:

(A) The commission of any act that constitutes the criminal offense of:

- (i) Aggravated rape, under § 39-13-502;
- (ii) Aggravated rape of a child under § 39-13-531;
- (iii) Rape, under § 39-13-503;
- (iv) Aggravated sexual battery, under § 39-13-504;
- (v) Sexual exploitation of a minor, under § 39-17-1003;
- (vi) Aggravated sexual exploitation of a minor, under § 39-17-

1004;

(vii) Especially aggravated sexual exploitation of a minor, under § 39-17-1005;

(viii) Rape of a child, under § 39-13-522;

(B) Criminal attempt, under § 39-12-101, solicitation, under § 39-12-102, or conspiracy, under § 39-12-103, to commit any of the offenses enumerated within this subdivision (3); or

(C) Criminal responsibility under § 39-11-402(2) for facilitating the commission under § 39-11-403 of any of the offenses enumerated in this subdivision (3), or being an accessory after the fact under, § 39-11-411 to any of the offenses enumerated in this subdivision (3); and

SECTION 2. Tennessee Code Annotated, Section 40-39-303, is amended by adding the following new subsection (d):

(d)

(1) Notwithstanding any other provision of law, the board of probation and parole shall require, as a mandatory condition of release, that any person convicted of a serious sexual offense as defined in § 40-39-301(3) and who is released under its supervision be enrolled in a satellite-based monitoring program for the full extent of the person's term of parole, consistent with the requirements of § 40-39-302.

(2) The provisions of this section shall apply to any person released on parole for a serious sexual offense, as defined in § 40-39-301(3), committed on or after January 1, 2008, or any serious sexual offender convicted prior to that date but who has been released on parole for a serious sexual offense and continues to be subject to active supervision by the board of probation and parole.

(3) The guidelines, procedures and other provisions established in this part for the Tennessee Serious and Violent Sex Offender Monitoring Pilot Project shall, to the extent possible, also govern the serious sexual offenders monitored pursuant to this section.

SECTION 3. Tennessee Code Annotated, Section 40-35-303, is amended by adding the following as a new subsection:

(p)

(1) Notwithstanding any other provision of law, the court shall require, as a mandatory condition of probation, that any person convicted of a serious sexual offense as defined in § 40-39-301(3) and who is released on probation under the supervision of the court or the board of probation and parole be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation, consistent with the requirements of § 40-39-302.

(2) The provisions of this section shall apply to any person who is granted probation for a serious sexual offense, as defined in § 40-39-301(3), committed on or after January 1, 2008, or any serious sexual offender convicted prior to that date but who has been granted probation for a serious sexual offense and continues to be subject to active supervision by the court or the board of probation and parole.

(3) The guidelines, procedures and other provisions established in title 40, chapter 39, part 3 for the Tennessee Serious and Violent Sex Offender Monitoring Pilot Project shall, to the extent possible, also govern the serious sexual offenders monitored pursuant to this subsection.

SECTION 4. For purposes of implementing the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on January 1, 2008.